

12-21-2021 – END OF YEAR MEETING

Present:

Councilman Leonard R. Hochadel
Councilman Matthew Krist
Councilman John D. Marsh
Supervisor Beverly A. Gambino

Absent:

Councilman Mike Domster

Also Present:

Town Clerk Jennifer L Bray
Approx. 4 guests

Supervisor Gambino called the End of Year meeting to order at 4:27 pm immediately following the Public Hearings on the Cannabis Opt Out Law and the update to the Comprehensive Plan.

Supervisor Gambino stated that the first item on the agenda was for approval of the minutes from the December regular Town Board meeting all held on December 9th, 2021. **On a motion by Marsh, seconded by Krist, the minutes were approved, as submitted. Carried, 4 ayes, 0 noes and 1 absent.**

Supervisor Gambino stated that the next item on the agenda is to approve the payment of the bills.

Warrant #13 of 2021, including vouchers #738 through #759, totaling \$10,824.98 of which \$10,142.59 was for the General Fund, \$50,002.78, \$500.00 was for the Fire Protection Fund and \$182.39 was for the Street Lighting fund. On a motion by Hochadel, seconded by Krist, the Warrant was approved for payment. Carried, 4 ayes, 0 noes and 1 absent.

Supervisor Gambino stated that the first resolution on the agenda was for the proposed local law to “Opt Out” of the Retail Dispensary License and or the On-Site Consumption License. Supervisor Gambino asked the board if there was any discussion on the proposed law. Councilman Krist stated that due to Sardinia’s location it was unlikely that dispensary would open here. He also noted that the State has very strict regulations for dispensaries. Councilman Hochadel stated that if the Town opts out now the Town can opt back in at a later date. Supervisor Gambino stated the Town Attorney had advised that you can opt out and then opt back in later but if you don’t opt out by December 31st they you can’t opt out. Councilman Marsh stated that the Town could opt out and perhaps our Zoning could be updated making this an adult use then opt back in later. Supervisor Gambino asked if there were any other comments or concerns. There were none. **Therefore the following resolution, to be known as Resolution #36 of 2021, was moved for adoption on a motion by Marsh, seconded by Hochadel:**

RESOLUTION #36 – 2021 RESOLUTION TO ADOPT LOCAL LAW NO. 3-2021

WHEREAS, Local Law No. 3 has been submitted to the Town Board to provide for opting-out of the Retail Dispensary License and /or On-Site Consumption License of provisions of Chapter 7-A of the consolidated Laws of the State of NEW York, and

WHEREAS, the proposed Local Law has been carefully considered by the Town, and

WHEREAS, a Public Hearing was held on December 21st, 2021 permitting public comments in regards to the Local Law opting out of the Cannabis Retail Dispensary License and/or the On-Site Consumption License provisions of Chapter 7-A of the Consolidated Laws of the State of New York’

NOW THEREFORE, BE IT

RESOLVED, Local Law No. 3-2021 is hereby adopted and shall become effective upon expiration of the time period for filing a Petition for Permissive Referendum and filing of the Local Law with the New York State Secretary of State, and be it further

RESOLVED, the Town Clerk is directed to file a copy of the Local Law with the New York State Department of State.

DULY ADOPTED, this 21st day of December, 2021 by the following roll call vote: Domster absent, Hochadel, aye, Krist, aye, Marsh, aye, Gambino, aye. So resolved, 4 ayes, 0 noes, 1 absent.

Supervisor Gambino stated that the next resolution was for an update to the Towns Procurement Policy. Supervisor Gambino asked if there were any comments or question from the board. There were none. **Therefore the following resolution, to be known as Resolution #37 of 2021, was moved for adoption on a motion by Marsh, seconded by Krist:**

RESOLUTION #37 – 2021 RESOLUTION RELATING TO THE TOWN PROCUREMENT POLICY

WHEREAS, The Town of Sardinia adopted a Procurement Policy for operations of the Town, and

WHEREAS, certain amendments and clarifications thereto is deemed necessary by the Town Board,

NOW THEREFORE, BE IT

RESOLVED, that Guideline 6(a)(2) of the Procurement Policy is hereby amended to read as follows:

“However it is the policy of this Board that such professional services the will exceed Two Thousand Dollars (\$2000.00) during a fiscal year will be subject to requests for proposals”, and be it further

RESOLVED, this resolution shall take effect immediately.

DULY ADOPTED, this 21st day of December, 2021 by the following roll call vote: Domster absent, Hochadel, aye, Krist, aye, Marsh, aye, Gambino, aye. So resolved, 4 ayes, 0 noes, 1 absent.

Supervisor Gambino stated the next resolution on the agenda was for adoption of the update to the Comprehensive Plan. Supervisor Gambino noted that there was a letter (schedule A) attached to the agenda and will be attached to the minutes as well. Supervisor Gambino asked if there were any questions or comments on the update to the Comprehensive Plan. There were none. **Therefore the following resolution, to be known as Resolution #38 of 2021, was moved for adoption on a motion by Marsh, seconded by Krist:**

**RESOLUTION #38 – 2021
TOWN OF SARDINIA
RESOLUTION TO ADOPT THE COMPREHENSIVE PLAN**

The Town Board of the Town of Sardinia held a public hearing at the Town Hall located at 12320 Savage Road in Chafee, New York on the 21st day of December, 2021 commencing at 4:00 p.m., at which time and place the following members were:

Present: Supervisor Gambino
Council Member Hochadel
Council Member Krist
Council Member Marsh

Absent: Council Member Domster

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Town Board of the Town of Sardinia is considering adopting an updated Comprehensive Plan; and

WHEREAS, in consideration of the on-going growth within the community, the Town of Sardinia intends to adopt the proposed Comprehensive Plan, as a successful update has not been completed since the 2003 adoption; and

WHEREAS, the New York State Department of State recommends updating the Comprehensive Plan every five to seven years to ensure relevant information and attainable goals of the municipality are included in the plan; and

WHEREAS, pursuant to, and in accordance with, the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations (6 NYCRR part 617) the Town Board of the Town of Sardinia has declared their intention to seek lead agency status to all other involved and/or interested agencies; and

WHEREAS, pursuant to §§239-l and 239-m of the General Municipal Law, said Comprehensive Plan and all supporting documentation, including Part 1 of the FEAF, was submitted to the Erie County Planner for review on November 18, 2021;

WHEREAS, comments from the Erie County Planner were received on December 16, 2021 and the following determination was made:

Approval with Comments, said comments are annexed hereto as **Schedule A**; and

WHEREAS, the Town Board of the Town of Sardinia held a public hearing on the 21st day of December, 2021 to consider the adoption of said Comprehensive Plan; and

WHEREAS, the Town Board has received no objections to acting as Lead Agency and has established themselves as SEQRA Lead Agency; and

WHEREAS, the Town Board has reviewed the FEAF, comments and input received from the Erie County Planner, the public, and Wendel has completed parts 2 and 3 of the Full EAF; and

WHEREAS, the Town Board, in accordance with SEQR, has determined that the proposed Comprehensive Plan will not adversely affect the natural resources of New York State and/or the health,

safety and welfare of the public and is consistent with social and economic considerations and has determined that the proposed Comprehensive Plan will result in no significant adverse environmental impacts; and

WHEREAS, the Town Board of the Town of Sardinia believes it to be in the best interest of the Town of Sardinia to adopt the Comprehensive Plan.

NOW ON MOTION OF Councilman Marsh which has been duly seconded by Councilman Krist, now therefore, be it

RESOLVED, the Town Board of the Town of Sardinia hereby issues a Negative Declaration and hereby authorizes the Supervisor of the Town of Sardinia to execute part 3 of the Full EAF which will act as the SEQRA Negative Declaration; and be it further

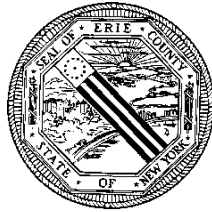
RESOLVED, that the Town Board of the Town of Sardinia hereby adopts the Comprehensive Plan of the Town of Sardinia.

DULY ADOPTED, this 21st day of December, 2021 by the following roll call vote: Domster absent, Hochadel, aye, Krist, aye, Marsh, aye, Gambino, aye. So resolved, 4 ayes, 0 noes, 1 absent.

There being no further business to come before the Board, on a motion from Krist, seconded by Hochadel the meeting was adjourned at 4:35 PM. Carried 4 ayes, 0 noes, 1 absent.

Respectfully Submitted,

Town Clerk



COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

December 16, 2021

David M. DiMatteo, Esq.
Town of Sardinia
12320 Savage Road
Sardinia, NY 14134

Re: **Comprehensive Plan Update**

Location: **Town-wide**
Review No.: **ZR-21-704 & M617-21-705**

Dear Mr. DiMatteo:

Pursuant to New York General Municipal Law Section 239-m, and Article 8 of the New York Environmental Conservation Law, the Erie County Department of Environment and Planning (DEP) has reviewed the above-referenced action referred to us on November 18, 2021. The Erie County Department of Environment and Planning hereby consents to the Town of Sardinia acting as SEQR lead agency.

DEP offers the following comments:

- The Tri-County Industrial Park is an approximately 220-acre business park in southeastern Sardinia, with a portion in the Town of Arcade in Wyoming County. Considerable investment in the development of this site towards industrial development has already occurred. The previous owner rezoned the site to industrial, completed a SEQR GEIS, and preliminary designs for an access road. In addition to potential access to low-cost hydropower from the Village of Arcade, the site could also potentially host a rail siding. The County currently has a critically low supply of shovel-ready industrial land. An important component of a successful economic development strategy is ensuring an adequate supply of shovel-ready industrial land as a means to be competitive in the attraction and retention of businesses. The Plan should specifically discuss this important community asset, and encourage the Town to promote and facilitate its development. This site could host a processing facility for agricultural products to support local agriculture, or similar manufacturing facility which would create jobs for Town residents and provide tax revenue. The Town should address within their capital planning the future necessary water and sewer upgrades to facilitate development on the site.
- The Plan should recommend that the Town implement a large-scale solar overlay district or a similar mechanism as a means of positively directing such facilities to desired and appropriate areas in the Town.
- Based on observations by DEP staff, there is a large farm operation within the Hamlet zoning district in the Hamlet of Sardinia. The proposed Vision Map should consider existing land uses as they relate to the future of the Town. The Agricultural-Residential district may be a more appropriate zoning designation for this site.
- There are 5 County forestry lots within the Town, in addition to a portion of Sprague Brook County Park. The sites provide an important habitat to wildlife. The Town should take steps to ensure that future development in the vicinity of these properties is compatible and complementary with wildlife habitat, recreation and open space uses.

Please contact me at your earliest convenience should you have any questions or otherwise wish to discuss this matter further.

Sincerely,
Timothy P. German
Planner